

## Message Text

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PAGE 01 STATE 169844  
ORIGIN COME-00

INFO OCT-01 IO-13 ISO-00 AGRE-00 CEA-01 CIAE-00  
DODE-00 EB-08 FRB-03 H-01 INR-10 INT-05 L-03  
LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05 SS-15  
STR-07 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01  
DOE-15 OIC-02 /116 R

DRAFTED BY DOC: RSUPPE-BLANEY:DSA  
APPROVED BY STR: DWHITNACK  
USDA: PLETARTE  
DOC: DSCHLECHTY  
DOI: HANDERSON  
DOL: FLAVALLEE  
STATE: TO'HERRON  
STR: DSABELSON  
TREA: EBARBER(INFO)

-----026085 060042Z /73

P 052356Z JUL 78  
FM SECSTATE WASHDC  
TO USMISSION GENEVA PRIORITY

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USMTN

E.O. 11652: N/A

TAGS: ETRD, MTN

SUBJECT:OUTSTANDING ISSUES OF STANDARDS CODE

REFERENCES: (A) GENEVA 09915, (B) GENEVA 09943

1. THE U.S. REPRESENTATIVE SHOULD CIRCULATE AT THIS TIME  
AMONG KEY DELEGATIONS THE FOLLOWING LANGUAGE FOR A NATIONAL  
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PAGE 02 STATE 169844

TREATMENT PROPOSAL FOR THE TECHNICAL SPECIFICATION SECTIONS  
OF THE CODE, AND MAY WISH TO NOTE THE LANGUAGE IS DERIVED  
FROM ARTICLE III OF THE GATT.

(A) LANGUAGE FOR SECTION 2(A): BEGIN QUOTE. ADHERENTS SHALL  
ENSURE THAT TECHNICAL REGULATIONS ARE NOT PREPARED, ADOPTED  
OR APPLIED WITH A VIEW TO CREATING OBSTACLES TO INTERNA-

TIONAL TRADE AND THAT PRODUCTS OF THE TERRITORY OF ANY OTHER ADHERENT IMPORTED INTO ITS TERRITORY ARE ACCORDED TREATMENT NO LESS FAVORABLE THAN THAT ACCORDED TO LIKE PRODUCTS OF NATIONAL ORIGIN IN RELATION TO TECHNICAL REGULATIONS. THEY SHALL LIKEWISE ENSURE THAT NEITHER REGULATIONS THEMSELVES NOR THEIR APPLICATION HAVE THE EFFECT OF CREATING UNNECESSARY OBSTACLES TO INTERNATIONAL TRADE. END QUOTE.

(B) LANGUAGE FOR SECTION 4(A): BEGIN QUOTE. ADHERENTS SHALL USE ALL REASONABLE MEANS WITHIN THEIR POWER TO ENSURE THAT BODIES WITHIN THEIR TERRITORY, WHETHER GOVERNMENTAL OR NONGOVERNMENTAL, DO NOT PREPARE, ADOPT OR APPLY STANDARDS WITH A VIEW TO CREATING OBSTACLES TO INTERNATIONAL TRADE AND THAT SUCH BODIES ACCORD TREATMENT TO PRODUCTS IMPORTED FROM THE TERRITORY OF ANY OTHER ADHERENT NO LESS FAVORABLE THAN THAT ACCORDED TO LIKE PRODUCTS OF NATIONAL ORIGIN IN RELATION TO STANDARDS. THEY SHALL LIKEWISE USE ALL REASONABLE MEANS WITHIN THEIR POWER TO ENSURE THAT NEITHER THE STANDARDS THEMSELVES, NOR THEIR APPLICATION HAVE THE EFFECT OF CREATING AN UNNECESSARY OBSTACLE TO INTERNATIONAL TRADE. END QUOTE.

## 2. NORDIC PROPOSAL ON CERTIFICATION SYSTEMS --

(A) THE U.S. REPRESENTATIVE NEED NOT CONTINUE TO PRESS FOR LIMITED OFFICIAL USE

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PAGE 03 STATE 169844

PARTICIPATION IN REGIONAL SYSTEMS IF ACCESS IS SPELLED OUT AS GRANTING THIRD COUNTRY PRODUCTS CERTIFICATION ON THE SAME BASIS AS MEMBER COUNTRY PRODUCTS AT THE SAME TIME AS MEMBER COUNTRY PRODUCTS.

(B) THE U.S. REPRESENTATIVE SHOULD STATE U.S. WILLINGNESS TO USE THE NORDIC DRAFT AS THE BASIS FOR NEGOTIATIONS ON PROVISIONS ABOUT CERTIFICATION SYSTEMS, CONTINGENT ON INCLUSION OF POINT (A) ABOVE.

(C) SPECIFIC NEW GUIDANCE ON REVISED REDRAFT -- THE U.S. REPRESENTATIVE MAY ACCEPT THE REDRAFT WITH THE FOLLOWING EXCEPTIONS: (1) PROPOSE ADDITION OF LANGUAGE TO 5(C)(III) AS PER TPSC 78-63; (2) PROPOSE IN SECTION 6 THAT TERM QUOTE NONGOVERNMENTAL REGULATORY BODIES UNQUOTE BE REVISED OR DEFINED AND A STRONGER OBLIGATION BE PROVIDED FOR SUCH BODIES. BEGIN FYI. U.S. LEGAL EXPERTS HAVE ADVISED THAT CPSC IS NOT SUCH A BODY: IT IS GOVERNMENTAL IN NATURE. CANADIANS ASKED IN MAY 1978 IF CPSC MIGHT BE SUCH A BODY. END FYI; (3) PROPOSE ADDITION OF SPECIFIC LANGUAGE IN PARAGRAPH 7(B) TO CONFORM WITH U.S. CONCERNS; (4) PROPOSE REWORDING OF SUBPARA. 7(C)(III) TO ALLOW INTERESTED

PARTIES IN OTHER ADHERENTS TO MAKE COMMENTS IN WRITING, ETC. ALSO PROPOSE LANGUAGE CHANGE TO MORE CLEARLY INDICATE THAT COMMENTS MAY BE RECEIVED BOTH REGARDING THE FORMULATION OF THE SYSTEM, AND, SUBSEQUENTLY, REGARDING THE APPLICATION OF THE SYSTEM; AND (5) PROPOSE CHANGE OF OBLIGATION OF URGENCY CLAUSE TO AN OBLIGATION TO IMMEDIATELY NOTIFY THE OTHER ADHERENTS THROUGH THE GATT SECRETARIAT. THIS WOULD MAKE THE TWO CODE URGENCY CLAUSES COMPATIBLE IF EGYPTIAN/SWISS TEXT FOR 2(F) ACCEPTED.

3. DISPUTE STEELEMNT-- DEL SHOULD BE GUIDED BY PREVIOUS INSTRUCTIONS ON THIS ISSUE. AT THE SAME TIME, WASHINGTON AGENCIES NOTE THE IMPORTANCE WHICH WE ATTACH TO STRONG

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PAGE 04 STATE 169844

DISPUTE SETTLEMENT PROVISIONS IN ALL CODE AREAS, INCLUDING STANDARDS, ESPECIALLY IN VIEW OF CURRENT MTN LINE-UP OF VIEWS ON DISPUTE SETTLEMENT, WHICH TENDS TO FAVOR THE U.S. POSITION (REF B).

4. REGARDING OTHER OUTSTANDING TOPICS IN REF (A), U.S. DELEGATION SHOULD RELY ON PREVIOUS GUIDANCE, AS APPROPRIATE, AND, MAY DEVELOP NEW POSITIONS AS NEEDED BY CONSULTING WITH WASHINGTON REPRESENTATIVES OF ALL AGENCIES PRESENT IN GENEVA, AS WELL AS CONGRESSIONAL ADVISORS, PARTICULARLY WITH REGARD TO THE EC PROPOSAL ON LEVELS OF OBLIGATION. VANCE

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## Message Attributes

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**Channel Indicators:** n/a  
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**Concepts:** STANDARDS, TRADE, MEETINGS  
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**Disposition Approved on Date:**  
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**Review Markings:**  
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20 Mar 2014  
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